

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KENNETH NIXON,

Plaintiff,

v.

ORDER
09-CV-237A

GWENDOLYN COLE-HOOVER and
ANDREA COLE-CAMEL,

Defendants.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On December 3, 2009, Magistrate Judge H. Kenneth Schroeder, Jr. filed a Report and Recommendation, recommending that defendants' motion to dismiss be granted and that an order of default be entered against plaintiff on defendants' counterclaims.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendants' motion to dismiss plaintiff's complaint with prejudice is granted. The Court hereby grants an order of default against plaintiff on defendants' counterclaims.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: December 23, 2009